

M186/

This form is to be used in all cases in which there is a deviation from the standard procurement processes and for the ratification of minor breaches of procurement processes. The form is to be signed by the Accounting Officer and a copy is to be forwarded to the Supply Chain Management Unit (SCMU) for reporting to Council. The SCMU is to submit these reports to Council on behalf of the accounting officer as well as include this report as a note to the annual financial statements.

Section 36 (1) of the Supply Chain Management Policy states that:

'The accounting officer may –

- (a) dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only-
 1. In an emergency;
 2. If goods and services are produced or available from a single provider only;
 3. For the acquisition of special works of art or historical objects where specifications are difficult to compile;
 4. Acquisition of animals for zoos and/or nature and game reserves;
 5. In any other exceptional case where it is impractical or impossible to follow the official procurement processes.
- (b) ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

To: **Municipal Manager (Z.W. Mcineka)**
 Cc: Acting Strategic Executive Director BTO (M Ndlovu)
 Acting Director Supply Chain Management (B Mdladla)
 From: **Manager in the Office of the Mayor (M Ndima)**

Details of goods /services required : **Provision of catering for 2022 SALGA DSAC games.**
 Requested by : N Mavuso
 Telephone contact number : 034 328 7703
 Department : Community Services
 Estimated Value : R400 000
 Supplier :
 Reason for Deviation: as above, please circle 1 2 3 4 5 b

Explanation for Deviation:

Procurement of good, services or work inline with regulation 36(1)(a)(v) of the National treasury MFMA Supply Chain Management regulation.

1. PURPOSE AND BACKGROUND

This submission seeks to obtain approval from the Municipal Manager to approve deviation from the official procurement processes as established by the Newcastle Municipality's Supply Chain Management Policy, in line with regulation 36(1)(a)(v) of the MFMA Municipal Supply Chain Management Regulations (MSCMR) for the appointment of **various service providers listed below** for the provision of catering for 2022 SALGA DSAC games.

2. DISCUSSION AND MOTIVATION

The South African Local Government Association (SALGA) conducts various sports and indigenous games in each province every year. The decision as to which district will host these games in the province of KwaZulu Natal was a subject of negotiations and it only became clear later in the year that the Amajuba District, which also includes Newcastle Municipality, will host the games. During the planning phase of the Local Organizing Committee (LOC), it only became apparent that Newcastle Municipality had been allocated that responsibility of the opening ceremony of the event. At the time of the decision, the municipality did not have the appointed panel of service providers who will deal with the events at a larger scale.

In order to respond to the above, the Supply Chain Management Unit advertised the bid for the Panel of Service Providers for the Provision of Events Management Services on an as and when required basis for the period of 12 months which closed on the 25th of November 2022. Because this bid is still pending it was decided to request closed quotation which was advertised on the notice board.

The Municipality had already received the letter from SALGA indicating that the games were due to start on the 8th of December 2022 and they require the support for the opening of the 2022 Salga DSC Games. Therefore, SCM embarked on a quotation process and requested to submit closed quotations for the provision of catering for 2022 SALGA DSAC games. The requested for quotation was also publicized in the Municipal notice board on the 2nd of December 2022 and closed on the 7th December 2022. The following quotations were received on the closing date and they were above R200 000.

NO	SERVICE PROVIDER	TOTAL AMOUNT
1	Darkie Trading and Projects	As per rate
2	Qinisolakhe trading enterprise	As per rate
3	Tmg general catering	As per rate
4	Bayabongonyanda trading enterprise	As per rate
5	Hlengzet trading	As per rate
6	Imbalifezile trading	As per rate
7	Abaziyobanzi trading	As per rate
8	Golden soil enterprise	As per rate

Taking the above factors into consideration, it is clear that there was not adequate time for the municipality to follow and finalize a competitive bidding process for the appointment of the opening ceremony of the event. Despite these challenges, the municipality did follow a closed quotation process to allow the appointment of the event organizer. Since the process followed was still not adequate to comply with a normal competitive bidding process, it therefore required that the municipal manager approves that deviation in terms of section 36(a)(v) of the SCM Regulation for the appointment of the above service providers on rotation basis.

3. CONCLUSION AND RECOMMENDATIONS

Based on the above, it is recommended that the Municipal Manager to approve the appointment of **the above service provider** through deviation process inline with regulation 36(1)(a)(v) of the National treasury MFMA Supply Chain Management regulation. It is further recommended that the amount be disclosed as irregular as it failed to meet all the requirements of a competitive bidding process as required by the Newcastle Municipality's Supply Chain Management Policy.

It has been further confirmed that **the above service providers** do not appear in the National Treasury database of restricted suppliers and compliant of National Treasury Central Supplier Database.

Submitted by

N MAVUSO

MANAGER: PARKS, RECREATION, AND CEMETERIES

DIRECTOR: SUPPLY CHAIN MANAGEMENT UNIT
MR. B MDLADLA

Supported / Not Supported

Signature: _____

Reason for not supporting (if applicable): _____

Date: _____

ACTING STRATEGIC EXECUTIVE DIRECTOR:
BUDGET AND TREASURY OFFICE
MR. M. NDLOVU

Recommended / ~~Not Recommended~~

Signature: _____

Reason for not supporting (if applicable): _____

Date: 07/12/2022

MUNICIPAL MANAGER
MR. Z.W. MCINEKA

Approved / ~~Not Approved~~

Signature: _____

Reason for not supporting (if applicable): _____

Date: 07/12/2022

BID ADJUDICATION REPORT - BID NO: SALGA 002 - PROVISION OF CATERING SERVICES FOR THE SALGA GAMES.

DIRECTORATE	COMMUNITY SERVICES – PARKS RECREATION AND CEMETRIES.
TENDER REFERENCE NO	SALGA 002
DESCRIPTION	Provision of catering services for the SALGA games
VALIDITY PERIOD	08, 09, 10 ,11 DECEMBER 2022
CLOSING DATE OF BID	07 December 2022
SUBMITTED BY	SCM
DATE	07 December 2022

1. PURPOSE OF THE REPORT

The purpose of this submission is to report on the bid evaluation process undertaken and to provide key data on the basis of which Strategic Executive Director: Budget and Treasury Office can consider the award of **SALGA 002: PROVISION OF CATERING SERVICES FOR THE SALGA GAMES** to the most favorable bidder.

2. Received bids (10) the following bid were received.

NO	NAME OF BIDDER	TOTAL PRICE (INCL VAT)	ADDRESS
1	Darkie Trading and Projects	As Per BOQ.	PO Box 12265 Ncandu Park Newcastle 2940 074 511 0845 ngesta@icloud.com
2	Qinisolakhe Trading Enterprise (Pty) Ltd	As Per BOQ	D5817 Section 4 Madadeni 2952 Tel: 082 221 2449 Email: mchunu5817@gmail.com
3	TMG General catering	As Per BOQ	28 92 Osizweni ward 13 Osizweni 2952 084 396 7600
4	Bayabonganyanda Trading	As Per BOQ	A727 Section 1 Madadeni 2951 076 867 6079 Lihle.khoza@outlook.com
5	Hlengzet Tradingh Pty) Ltd	As Per BOQ	24 Hluhlwe Crescent Ncandu Park Newcastle 2940 076 219 5089 Hzulu98@gmail.com
6	VS and QA (PTY) LTD	As Per BOQ	PO BOX 60338 Madadeni 2952 072 703 6521 Qhawelami.dlamini@webmail.co.za
7	Imbalifezile (PTY) LTD	As Per BOQ	71 Protea Avenue Newcastle 2940 076 649 6373 Mdlamini659@gmail.com

BID ADJUDICATION REPORT - BID NO: SALGA 002 - PROVISION OF CATERING SERVICES FOR THE SALGA GAMES.

8	Abaziyobanzi Trading	As Per BOQ	087 Emaskopasini, ward 9 Osizweni 2952 071 042 0562 cyrilethu@gmail.com
9	Ababhungi Enterprise	As Per BOQ	931 Zulu Stand Blaaubosch Osizweni 2952 068 0955 909 kingsphesihlefortune@gmail.com
10	Golden Soil Enterprise	As Per BOQ	931 Stand Blaaubosch Osizweni 2952 068 0955 5909 Goldensoil91@gmail.com

BID ADJUDICATION REPORT - BID NO: SALGA 002 - PROVISION OF CATERING SERVICES FOR THE SALGA GAMES.

3. EVALUATION OF BIDS ON ADMINISTRATIVE COMPLIANCE

	NAME OF BIDDER	Food Certificate	Expiry Date	CSD Registration Number	MB1 Completed and signed	Declaration Past SCM Practices	Declaration of Interest	Certificate of independent bid	Valid BBBEE Certificate & Level	Completed Pricing Schedule	Document filled with Black ink	Use Of correctional Fluid	Is the Tender Responsive
1.	Darkie Trading	Yes	09/09/20223	MAAA111 9167	yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes
2.	Qinisolakhe Trading Enterprise	Yes	-	MAAA0116159	Yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes
3.	TGM General Catering	Yes	-	MAAA0098871	Yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes
4.	Bayabonganyanda	Yes	-	MAAA0116163	Yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes
5.	Hlangzet Trading (Pty) Ltd	Yes	25-05-2023	MAAA0551797	Yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes
6	VS and QA (PTY) LTD	No	-	MAAA082287	Yes	Yes	Yes	Yes	1	Yes	Yes	No	No
7.	Imbalifezile (PTY) LTD	Yes	21/12/2022	MAAA1167908	Yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes
8.	Abazyobanzi Trading	Ye	-	MAAA0553637	Yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes
9	Ababbungi Enterprise Trading	Yes	-	MAAA1130574			NO		1	Yes	Yes	no	No
10	Golden Soil Enterprise	Yes	-	MAAA1244041	Yes	Yes	Yes	Yes	1	Yes	Yes	No	Yes

3.1 NOTE:

Qinisolakhe Trading: The bidder did not submit the Tax Compliance Status, but we did verified with CSD and Tax complied.
TMG General Catering: The bidder did not submit the Tax Compliance Status, but we did verify with CSD and Tax complied.
Bayabonganyanda : The bidder did not submit the Tax Compliance Status but we did verified with CSD and Tax complied .
Abazyobanzi Trading: The bidder did not submit the Tax Compliance Status but we did verified with CSD and Tax complied .
Ababhungi Enterprise: The bidder did not submit the Tax Compliance Status but we did verified with CSD and Tax complied .
Golden Soil Enterprise: The bidder did not submit the Tax Compliance Status but we did verified with CSD and Tax complied .

4. DISQUALIFICATION OF BIDS ON ADMINISTRATIVE COMPLIANCE

NO	NAME OF BIDDER	COMMENTS
1	Ababhungi Enterprise	-The Bidder did not complete the form off offer.
2	VS and QA (PTY) LTD	-The Bidder did not attach the food certificates. The bidder did not complete MBD 4 in fully.

BID ADJUDICATION REPORT - BID NO: SALGA 002 - PROVISION OF CATERING SERVICES FOR THE SALGA GAMES.

5. EVALUATION OF BIDS ON TECHNICAL COMPLIANCE.

NO	NAME OF BIDDER	COMMENTS
1	Darkie Trading Enterprise	Bidder complies fully with the specification and is eligible for further evaluation
2	TMG general services	Bidder complies fully with the specification and is eligible for further evaluation
3	Bayabongonyanda Trading	Bidder complies fully with the specification and is eligible for further evaluation
4	Hlengzet trading	Bidder complies fully with the specification and is eligible for further evaluation
5	Qinisolakhe Trading	Bidder complies fully with the specification and is eligible for further evaluation
6	Imbalifezile (PTY) LTD	Bidder complies fully with the specification and is eligible for further evaluation
7	Golden Soil Enterprise	Bidder complies fully with the specification and is eligible for further evaluation
8	Abaziyobanzi Trading	Bidder complies fully with the specification and is eligible for further evaluation

5.1 DISQUALIFICATION OF BIDS ON TECHNICAL COMPLIANCE.

NONE

6. EVALUATION ON PREFERENCE POINTS

NAME OF THE BIDDER	FOOD CERTIFICATES ATTACHED
Darkie	✓
Tmg general Services	✓
Bayabonganyanda Trading	✓
Hlengzet	✓
Qinisolakhe	✓
Imbalifezile	✓
Golden Soil Enterprise	✓
Abaziyobanzi Trading	✓

ACCORDING TO THE INVITATION TO TENDER/BID, THE EVALUATION SHALL BE CARRIED OUT USING A 80/20 PRINCIPLE IN TERMS OF THE SPLIT OF PRICE AND PREFERENCE POINTS AS PER THE PPPFA AND ITS REGULATIONS AND AS INITIALLY ADVERTISED.

B-BBEE STATUS LEVEL OF CONTRIBUTOR	NUMBER OF POINTS (90/10)	NUMBER OF POINTS (80/20)
1	10	20
2	9	18
3	8	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
NON-COMPLIANT CONTRIBUTOR	0	0

BID ADJUDICATION REPORT - BID NO: SALGA 002 - PROVISION OF CATERING SERVICES FOR THE SALGA GAMES.

4. DISQUALIFICATION OF BIDS ON ADMINISTRATIVE COMPLIANCE

NO	NAME OF BIDDER	COMMENTS
1	Ababhungi Enterprise	-The Bidder did not complete the form off offer.
2	VS and QA (PTY) LTD	-The Bidder did not attach the food certificates.

5. EVALUATION OF BIDS ON TECHNICAL COMPLIANCE.

NO	NAME OF BIDDER	COMMENTS
1	Darkie Trading Enterprise	Bidder complies fully with the specification and is eligible for further evaluation
2	TMG general services	Bidder complies fully with the specification and is eligible for further evaluation
3	Bayaboongonyanda trading	Bidder complies fully with the specification and is eligible for further evaluation
4	Hlengzet trading	Bidder complies fully with the specification and is eligible for further evaluation
5	Qinisolakhe Trading	Bidder complies fully with the specification and is eligible for further evaluation
6	Imbalifezile (PTY) LTD	Bidder complies fully with the specification and is eligible for further evaluation
7	Golden Soil Enterprise	Bidder complies fully with the specification and is eligible for further evaluation
8	Abaziyobanzi Trading	Bidder complies fully with the specification and is eligible for further evaluation

5.1 DISQUALIFICATION OF BIDS ON TECHNICAL COMPLIANCE

NONE

6. EVALUATION ON PREFERENCE POINTS

ACCORDING TO THE INVITATION TO TENDER/BID, THE EVALUATION SHALL BE CARRIED OUT USING A 80/20 PRINCIPLE IN TERMS OF THE SPLIT OF PRICE AND PREFERENCE POINTS AS PER THE PPPFA AND ITS REGULATIONS AND AS INITIALLY ADVERTISED.

6.2

B-BBEE STATUS LEVEL OF CONTRIBUTOR	NUMBER OF POINTS (90/10)	NUMBER OF POINTS (80/20)
1	10	20
2	9	18
3	8	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
NON-COMPLIANT CONTRIBUTOR	0	0

BID ADJUDICATION REPORT - BID NO: SALGA 002 - PROVISION OF CATERING SERVICES FOR THE SALGA GAMES.

7. RESOLVED

a) That **SALGA 002- PROVISION OF CATERING SERVICES FOR THE SALGA GAMES** be awarded to the qualifying panel of suppliers (08) on the table below on the rotational basis **Incl Vat**), due to the fact that they met the minimum requirements of Supply Chain Management Policy.

b)

1	Darkie Trading and Projects
2	Qinisolakhe trading enterprise
3	Tmg general catering
4	Bayabongonyanda trading enterprise
5	Hlengzet trading
6	Imbalifezile trading
7	Abaziyobanzi trading
8	Golden soil enterprise

c) That it be noted that **Above Suppliers Does** not appear on the National Treasury restricted supplier's database.

d) That it be noted that the council reserve the right to award one or more contractors / service providers to provide a service to a particular award.

e) That the successful and unsuccessful bidders be advised in writing of the intention to award.



SCM Official
Supported/~~Not Supported~~

07/12/2022

Date



Acting Director:
Supply Chain Management Unit
Supported/~~Not Supported~~

07/12/2022

Date

Comments : SUPPORTED

Department : COMMUNITY SERVICES

Name & Surname : Z. W. MCINEKA

Position: ACTING SED

Signature of HOD : 

Date: _____

Approved / Not Approved

Acting Strategic Executive Director:
Budget and Treasury Office

Date